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SENSITIVE
SIPDIS

IO/RHS -- AMY OSTEREIER, DRL/MLGA - CHRIS SIBILLA

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SUBJECT: OHCHR'S OFFICE IN MEXICO EARNING ITS KEEP

REF: STATE 2023

¶1. (SBU) Summary. The UN's High Commissioner for Human Rights (OHCHR) opened a field office in Mexico in 2002 with a mandate to work with the Government of Mexico and a wide cross section of civil society with a view to developing a "diagnostic survey" that would identify the steps Mexico needed to take to address outstanding human rights concerns and meet its human rights obligations. Last year, the GOM and the OHCHR renewed the office's mandate assuming on responsibility to monitor human rights. The office is generally respected by the NGO community but entertains a relatively strained relationship with Mexico's National Human Rights Commission (CNDH). The U.S. Congress earmarked \$1 million out of Merida Initiative funding to support the human rights work of the OHCHR's office in Mexico. Mission Mexico's USAID Office is working closely with OHCHR's office here to develop a human rights program of action. We remain satisfied with the work of the OHCHR's office in Mexico and believe it serves an effective role promoting wider respect for human rights and a greater appreciation for civil society. End Summary.

OHCHR Office Roots

¶2. (U) When Vicente Fox won election in 2000 as the President of Mexico he broke an uninterrupted run of 71 years during which Mexico had been led by presidents hailing from the Institutional Revolutionary Party (PRI). Eager to demonstrate that Mexico was prepared to turn the page on its undemocratic past, he agreed to allow the UN's Commissioner for Human Rights to open a field office in Mexico with a mandate to produce a diagnostic survey on Mexico's human rights situation. This decision represented the first time the OHCHR ever opened an office in a country that was not emerging from a wrenching civil war with sweeping claims of human rights abuses. Instead, Mexico was embarking on a transition to democracy and the OHCHR's newly established office was entrusted with responsibility for advising Mexico how best to meet its human rights obligations based on an evaluation of local conditions.

¶3. (U) The diagnostic survey that emerged from over a year's worth of consultations with a wide cross section of government and civil society actors on human rights produced a series of 31 recommendations mostly regarding the kinds of changes Mexico needed to make across the board on issues ranging from its justice system to education to ensure human rights respect. OHCHR is fond of noting that this diagnostic survey was the first of its kind that OHCHR produced and boasting it has served a model for similar efforts undertaken by other offices. Even now, over five years later, this diagnostic survey still very much guides the office's work and the office finds itself called upon to produce more narrowly focused diagnostic surveys of the human rights

conditions prevailing in specific Mexican states.

Renewing the Mandate

¶4. (SBU) In February 2008, the OHCHR and the GOM renewed the office's mandate, incorporating a responsibility to "observe" the human rights situation in the country particularly as pertains to concerns flagged in the 2003 diagnostic survey. Alberto Brunori, the Office's Director, told poloff that his office was prepared to interpret "observe" to imply "monitor" but remarked that the office would focus more on "thematic" reports versus speaking directly to specific cases of abuses which the government could well claim overstepped what the mandate allowed for. To carry out this objective, Brunori told poloff in late 2008 that the office planned to organize a network of civil society organizations over the early months of 2009. He also sought to establish a regular field presence in part through a schedule of regular visits.

¶5. (SBU) In addition to monitoring, Brunori wanted to make protection of human rights defenders a priority. He anticipated the UN Special Rapporteur on Human Rights Defenders would be visiting Mexico in 2009 as a guest and not/not on an official visit. Brunori also wanted the office to do more outreach with indigenous communities. On women, he wanted the office to look into the question of femicides, undertake more monitoring, promote respect for women, and strengthen women's organizations.

¶6. (U) As noted prior, the office's 2003 diagnostic survey garnered much acclaim. The purpose of the exercise had been

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to create space for dialogue, identify principal challenges, and develop programs for human rights organizations and the government to tackle them. The GOM's own submission to the UN Periodic Universal Review earlier this month took into consideration the findings presented in the survey.

According to Brunori, the GOM wants the office to carry out six diagnostic surveys over the course of 2009. His plan is for State Interior Ministers (SEGOB) to convene representatives from the three branches of government, the local human rights ombudsman, civil society representatives, and academics with the committee drafting up the report under the leadership of either the human rights ombudsman or a consultant on contract.

Training

¶7. (SBU) Brunori remarked that both SSP and SEDENA had expressed interest in human rights training with his office. He found the prospect intriguing but stressed the need to identify objectives and performance indicators. He hoped his office could assume a wider role in working with the Mexican Congress on penal and procedural code reform. Given the focus on the government's efforts to combat organized crime, he expressed a desire for his office to provide the GOM some guidance on addressing security from a human rights perspective.

Some Relationships are Better Than Others

¶8. (SBU) OHCHR's office does outreach with the local human rights NGO community both in terms of consulting them for its views and promoting respect for the work of human rights defenders. These groups, in turn, appear to respect OHCHR generally for the work it does. In the best of all worlds, they would like the office to be more outspoken and less "diplomatic" but they appear to appreciate the fact that its relationship with the government is of a different variety and they support its continued presence in Mexico.

¶9. (SBU) The office does not enjoy nearly as constructive a relationship with Mexico's National Human Rights Commission (CNDH), a semi-autonomous organization that receives considerable funding from the GOM. CNDH's abrasive president

Jose Luis Soberanes, in particular, has opined that Mexico does "not need" the office given CNDH's commitment to the same principles. When OHCHR's previous director Amerigo Incalcaterra signaled support for the NGO community over CNDH in the wake of a Human Rights Watch report criticizing CNDH, Soberanes became incensed and reportedly lobbied Mexico's Foreign Ministry for Incalcaterra's removal. Shortly afterwards, Incalcaterra announced that he was transferring out of Mexico. Brunori, OHCHR's new director, has assumed a considerably lower profile, particularly in relation to CNDH.

Pitching in on the Merida Initiative

¶10. (SBU) The U.S. Congress earmarked \$1 million for the OHCHR's office in Mexico as part of the \$400 million Merida Initiative assistance package designed to support the GOM's efforts to combat organized crime. USAID and the OHCHR have entered discussions about how best to spend the funds.

Monitoring, training for civil society and Mexico's law enforcement community, and initiatives to promote civil society represent several options. Brunori is convinced his office will be able to use the funds effectively to advance shared human rights objectives. However, he is sensitive to OHCHR's being perceived as carrying the USG's water on the Merida Initiative, particularly in view of Soberanes' criticism of MI support for OHCHR's office.

¶11. (SBU) Comment: Mexico's emerging human rights NGO community assumes an important role in monitoring and promoting human rights respect but remains relatively immature and inexperienced. CNDH, on the other hand, has much more experience but doesn't enjoy the kind of respect and credibility it would like, in part because it relies on government funding. As such, the OHCHR's office fills an important niche, speaking with the authority and measured diplomatic tone of the UN. The office's diagnostic surveys provide an excellent framework for the kind of measures Mexico needs to take to institutionalize human rights respect. We are hopeful under its new director and through cooperation with USAID it will dedicate more attention to monitoring human rights abuses and addressing, in particular, concerns about abuses by law enforcement officials through the development of carefully tailored human rights training

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programs.

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